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UNITED STATES DEPARTMENT OF AGRICULTURE  
AGRICULTURAL ADJUSTMENT ADMINISTRATION  
SOUTHERN DIVISION

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# FLORIDA HANDBOOK



## 1940 Agricultural Conservation Program

Program effective from January 1, 1940  
to December 31, 1940



*Issued January 1940*



UNITED STATES  
GOVERNMENT PRINTING OFFICE  
WASHINGTON: 1940

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## CONTENTS

	Page
Sec. 1. COTTON:	
A. Farm allotments.....	2
B. Farm normal yields.....	2
C. Payments.....	3
D. Acreage planted to cotton.....	3
Sec. 2. TOBACCO:	
A. Farm allotments.....	3
B. Farm normal yields.....	3
C. Payments.....	4
Sec. 3. PEANUTS:	
A. Farm allotments.....	4
B. Farm normal yields.....	4
C. Payments.....	4
D. Peanuts for market.....	4
E. Commercial peanut area.....	4
Sec. 4. IRISH POTATOES:	
A. Farm allotments.....	4
B. Farm normal yields.....	5
C. Payments.....	5
D. Commercial potato area.....	5
Sec. 5. COMMERCIAL VEGETABLES:	
A. Farm allotments.....	5
B. Payments.....	5
C. Commercial vegetable counties.....	5
D. Commercial vegetables.....	5
Sec. 6. TOTAL SOIL-DEPLETING CROPS:	
A. Farm allotments.....	5
B. Deductions.....	6
Sec. 7. SOIL-BUILDING GOALS, PAYMENTS, AND PRACTICES:	
A. National goal.....	6
B. County goals.....	6
C. Farm goals.....	6
D. Payments.....	6
E. Soil-building practices.....	7
Sec. 8. SOIL-DEPLETING ACREAGE.....	12
Sec. 9. DIVISION OF PAYMENTS AND DEDUCTIONS:	
A. Payments and deductions for acreage allotments.....	14
B. Soil-building practice payments.....	14
C. Proration of net deductions.....	14
Sec. 10. GENERAL PROVISIONS RELATING TO PAYMENTS AND DEDUCTIONS:	
A. Increase in small payments.....	15
B. Payments limited to \$10,000.....	16
C. Deductions incurred on other farms.....	16
D. Deduction for association expenses.....	16
E. Payment restricted to effectuation of the purposes of the program.....	16
F. Payment computed and made without regard to claims.....	17
G. Changes in leasing and cropping agreements, reduction in number of tenants, and other devices.....	17
H. Assignments.....	17
I. Excess cotton acreage.....	18
J. Materials furnished to carry out soil-building practices.....	19
Sec. 11. APPLICATION FOR PAYMENT:	
A. Persons eligible to file applications.....	19
B. Time and manner of filing application and information required.....	19
C. Application for other farms.....	20
Sec. 12. APPEALS.....	20
Sec. 13. DEFINITIONS.....	20
Sec. 14. AVAILABILITY OF FUNDS.....	22

## FLORIDA HANDBOOK

### FOREWORD

The 1940 Agricultural Conservation Program in Florida is a continuation of the conservation program which has been in effect for the last four years, with some new provisions to make the program more effective.

As in the past programs, the objectives of the 1940 program are:

(1) To help farmers get and maintain a fair share of the national income.

(2) To protect the interests of consumers by providing for ample supplies of food, feed, fiber, and other agricultural products at prices that are fair to both consumers and producers.

(3) To guarantee, as nearly as possible, continued ample supplies of agricultural products by conserving and rebuilding national soil resources through the adjustment of soil-depleting crop acreages and widespread use of soil-building practices.

(4) To improve the living conditions of farm people by increasing the production of food and feed crops for home use.

To approach these objectives, national, State, county, and farm allotments for major soil-depleting cash crops are determined and payments are made for planting within these farm allotments. Assistance is also provided for carrying out soil-building practices which could not otherwise be carried out. The purpose of these allotments is to help farmers to maintain the nation's supply of farm products more nearly in line with demand and to more nearly stabilize income at the parity level than would be the case if there were no orderly and balanced system of production and marketing of these products.

### INTRODUCTION

#### 1940 Agricultural Conservation Program

Pursuant to the provisions of the 1940 Agricultural Conservation Program Bulletin, issued by the Secretary of Agriculture, and the authority vested thereby in the Agricultural Adjustment Administration, payments and materials as grants of aid will be made for participation in Florida in the 1940 program, in accordance with the provisions of said bulletin and such modifications thereof or other provisions as may hereafter be made.

The provisions in this handbook (except section 10B) are applicable only to farms in Florida but such provisions are not applicable to lands owned by the United States and administered by the Forest Service of the United States Department of Agriculture, United States Soil Conservation Service, United States Bureau of Agricultural Economics, Bureau of Biological Survey, or any other lands



in which the United States has acquired the beneficial ownership for the primary purpose of effecting the conservation of such land and with a view to retaining it permanently under government ownership. Therefore, no payment may be made to any producer under the 1940 program with respect to lands owned by these governmental agencies. The provisions of this handbook are also not applicable to farms in Manatee, Marion, Palm Beach, Sarasota, and Seminole Counties, for which a special agricultural conservation program is approved for 1940 by the Secretary.

### Section 1. COTTON

**A. Farm Allotments.** The same method used in establishing cotton allotments for 1939 will be used in 1940. The cotton allotment for each farm is a fixed percentage—uniform for the county or administrative area—of the farm's cropland, excluding the acreage normally devoted to the commercial production of tobacco and sugarcane for sugar, with certain exceptions and special provisions, as follows:

(1) Farms for which the allotment would otherwise be 5 acres or less will have an allotment of the smaller of 5 acres or the highest cotton acreage planted and diverted in 1937, 1938, or 1939.

(2) Regardless of other provisions, no allotment will be less than 50 percent of the 1937 planted and diverted cotton acreage, provided that no allotment is thereby increased to more than 40 percent of the farm's cropland.

(3) A small reserve may be allotted to farms that would otherwise have an allotment of 5 acres or more.

(4) No allotment determined under the above will be larger than the highest cotton acreage planted and diverted in any of the past 3 years.

(5) A small reserve may be available from any "frozen" cotton allotments released by operators to be used to increase allotments that are inadequate and not representative.

(6) A small acreage reserve is available for "new" cotton farms; that is, farms on which cotton is planted in 1940 for the first time since January 1, 1937.

**B. Farm Normal Yields.** The county committee, with the assistance of other local committees, shall determine a normal cotton yield for each farm having a cotton allotment.

(1) The normal yield shall be the actual average yield of cotton per acre for the 5 years 1935 to 1939, inclusive, adjusted for abnormal weather conditions, if reliable records of the actual average of such yields are presented by the producer or are available to the committee.

(2) If for any year of such 5-year period records of the actual average yield are not available or there was no actual yield because cotton was not planted on the farm in such year, the normal yield for the farm shall be the yield which the county committee determines to be the average yield which was or could reasonably have been expected on the farm for such 5-year period on the basis of all available facts, including the yield customarily made on the farm, weather conditions, type of soil, drainage, production practices, and general fertility of the land.

(3) The yields determined under paragraph (2) of this subsection shall be adjusted so that the average of the normal yields for **all** farms in the county or administrative area will not exceed the normal yield established for the county or administrative area.

**C. Payments.** The payment is **1.6 cents** for each pound of the normal yield for each acre in the cotton allotment. If the acreage planted to cotton is in excess of the allotment, there will be a deduction at the rate of **4 cents** for each pound of the normal yield of the excess acres. **Any person who knowingly plants, or causes or permits the planting of, cotton on his farm in 1940 on acreage in excess of the cotton allotment for the farm for 1940 shall not be eligible for any payment on that farm or any other farm under the 1940 program.**

**D. Acreage Planted to Cotton** means the acreage seeded to cotton, the staple of which is normally less than  $1\frac{1}{2}$  inches in length, which reaches the stage of growth at which bolls are first formed.

## Section 2. TOBACCO

**A. Farm Allotments.** The county committee, with the assistance of other local committees, shall determine an acreage allotment for flue-cured or Georgia-Florida Type 62 tobacco for any farm on which such kind of tobacco was produced in one or more of the 5 years 1935-1939 on the basis of past acreage of such kind of tobacco (harvested and diverted), with due allowance for drought, flood, hail, and other abnormal weather conditions; plant-bed and other diseases; land, labor, and equipment available for the production of tobacco; crop-rotation practices, and the soil and other physical factors affecting the production of tobacco. Special consideration shall be given to farms for which acreage allotments are small. The allotment for any farm on which tobacco is produced in 1940 for the first time since January 1, 1935, shall be determined on the basis of the tobacco-producing experience of the farm operator, land, labor, and equipment available for the production of tobacco, crop-rotation practices, and the soil and other physical factors affecting the production of tobacco.

**B. Farm Normal Yields.** The county committee, with the assistance of other local committees, shall determine a normal tobacco yield for each farm for which a tobacco allotment is determined or a deduction is computed in accordance with the following provisions:

(1) The normal yield for any farm on which tobacco was produced in one or more of the 5 years 1935-1939 shall be determined on the basis of the yields of tobacco made on the farm in such 5-year period, taking into consideration the soil and other physical factors affecting the production of tobacco on the farm, and the yields obtained on other farms in the locality which are similar with respect to such factors

(2) The normal yield for any farm on which tobacco is produced in 1940 for the first time since January 1, 1935, shall be that yield per acre which the local committee determines is fair and reasonable for the farm as compared with yields for other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar.



(3) The weighted average of the normal yields for **all** farms in each county shall not exceed the normal yield for the county.

**C. Payments.** The payment is **1 cent** in case of flue-cured, and **1.2 cents** in case of Georgia-Florida Type 62, for each pound of the normal yield for each acre in the tobacco allotment. If the acreage of tobacco harvested is in excess of the allotment, there shall be a deduction at the rate of **8 cents** for each pound of the normal yield of the excess acreage.

### Section 3. PEANUTS

**A. Farm Allotments.** In counties designated in subsection E as commercial peanut counties, the county committee, with the assistance of other local committees, shall establish peanut allotments on the basis of the acreage of peanuts for market customarily grown and the tillable acreage on the farm, taking into consideration other special allotments established for the farm.

**B. Farm Normal Yields.** The county committee, with the assistance of other local committees, shall determine a normal yield of peanuts for each farm having a peanut allotment. The normal yield shall be determined on the basis of the yields of peanuts made on the farm, with due consideration for type of soil, production practices, and general fertility of the land. The average yield for **all** farms in any county shall not exceed the average yield of peanuts established for the county.

**C. Payments.** The payment is **12½ cents** for each 100 pounds of the normal yield for each acre in the peanut allotment. If the acreage of peanuts for market is in excess of the allotment, there shall be a deduction at the rate of **\$1.50** for each 100 pounds of the normal yield of the excess acreage.

**D. Peanuts for Market** means all peanuts harvested for nuts on a farm on which peanuts are separated from the vines by mechanical means and from which the principal part of the production is sold to persons not living on the farm.

**E. Commercial Peanut Area** means the following counties:

Alachua, Calhoun, Columbia, Escambia, Gadsden, Gilchrist, Hamilton, Holmes, Jackson, Jefferson, Lafayette, Leon, Levy, Madison, Marion, Okaloosa, Santa Rosa, Sumter, Suwannee, Union, Walton, and Washington.

### Section 4. IRISH POTATOES

**A. Farm Allotments.** In counties designated in subsection D as commercial potato counties, the county committee, with the assistance of other local committees, shall determine a potato allotment for each farm for which the normal acreage of potatoes for market is determined to be 3 acres or more. Allotments shall be determined on the basis of good soil management, tillable acreage on the farm, type of soil, topography, production facilities, and the acreage of potatoes customarily grown on the farm. The allotment for any farm shall be comparable with the allotments for other farms in the same community which are similar with respect to the above factors. The potato allotments determined for farms in a county shall not exceed their proportionate share of the county potato allotment.



**B. Farm Normal Yields.** The county committee, with the assistance of other local committees, shall determine a normal potato yield for each farm having a potato allotment or for which a deduction is computed. The normal yield shall be determined on the basis of the yields of potatoes made on the farm, with due consideration for type of soil, production practices, and the general fertility of the land. The average yield for all farms in the county shall not exceed the normal yield established for the county.

**C. Payments.** The payment is **3 cents** for each bushel of the normal yield for each acre in the potato allotment. For farms in the counties listed in subsection D, there shall be a deduction at the rate of **30 cents** for each bushel of the normal yield for each acre planted to potatoes in excess of the larger of the allotment or 3 acres.

**D. Commercial Potato Area** means the following counties: Alachua, Bradford, Broward, Clay, Dade, DeSoto, Escambia, Flagler, Lee, Putnam, Saint Johns, and Union.

#### Section 5. COMMERCIAL VEGETABLES

**A. Farm Allotments.** In the commercial vegetable counties designated in subsection C, a vegetable allotment shall be determined by the county committee, with the assistance of other local committees, for each farm on which the average acreage of land normally planted to commercial vegetables is 3 acres or more. The vegetable allotment shall be determined on the basis of the 1936-1937 average acreage or the average of a later period adjusted to the 1936-1937 level, with adjustments for abnormal weather conditions, taking into consideration the tillable acreage on the farm, type of soil, production facilities, crop-rotation practices, and changes in farming practices.

**B. Payments.** The payment is **\$1.50** for each acre in the vegetable allotment. There shall be a deduction for farms in commercial vegetable counties of **\$20** for each acre of land planted to commercial vegetables in excess of the larger of the allotment or 3 acres.

**C. Commercial Vegetable Counties** means the following counties: Alachua, Bradford, Brevard, Broward, Charlotte, Collier, Dade, DeSoto, Flagler, Glades, Hardee, Hendry, Hernando, Highlands, Hillsborough, Indian River, Lake, Lee, Levy, Martin, Okeechobee, Orange, Osceola, Polk, Putnam, Saint Johns, Saint Lucie, Sumter, Union, and Volusia.

**D. Commercial Vegetables** means the acreage of annual vegetables or truck crops (including potatoes in all counties except Alachua, Bradford, Broward, DeSoto, Dade, Flagler, Lee, Putnam, Saint Johns, and Union; sweetpotatoes, tomatoes, sweet corn, cantaloupes, annual strawberries, commercial bulbs and flowers, but excluding watermelons, peas for canning or freezing, and sweet corn for canning) of which the principal part of the production is sold to persons not living on the farm.

#### Section 6. TOTAL SOIL-DEPLETING CROPS

**A. Farm Allotments.** The county committee, with the assistance of other local committees, shall determine a total soil-depleting allotment for each farm for which a special allotment (other than a

vegetable allotment) is determined. The total allotment for any farm shall be determined on the basis of good soil management, tillable acreage, type of soil, topography, degree of erosion, and the acreage of all soil-depleting crops customarily grown on the farm, taking into consideration special allotments and the acreage of food and feed crops needed for home consumption. The total allotments shall be comparable with the acreage allotments for all farms in the same community which are similar with respect to the above factors.

**B. Deductions.** For each farm for which a total allotment is determined and on which general crops or livestock are produced in 1940 for market, there shall be a deduction at the rate of \$5.00 for each acre classified as soil depleting in excess of the larger of (1) the total soil-depleting allotment plus the acreage of special crops for which deductions are computed or (2) the acreages on which cotton is planted or tobacco is harvested plus 20 acres.

### Section 7. SOIL-BUILDING GOALS, PAYMENTS, AND PRACTICES

**A. National Goal.** The national goal is the conservation of the cropland not required in 1940 for the growing of soil-depleting crops, the restoration, insofar as is practicable, of a permanent vegetative cover on land unsuited to the continued production of cultivated crops, and the carrying out of soil-building practices that will conserve and improve soil fertility and prevent wind and water erosion.

**B. County Goals.** Insofar as practicable, county goals shall be established, with the approval of the State committee, for particular soil-building practices which are not routine farming practices and which are most needed in the county in order to conserve and improve soil fertility and to prevent erosion. **Payment will not be made in connection with any practice not included in the county goal.**

**C. Farm Goals.** The soil-building goal for any farm shall be one unit of soil-building practices for each \$1.50 computed for the farm under subsection D of this section. The farm goal shall represent the number of units of applicable soil-building practices to be carried out. Insofar as practicable, the county committee shall determine what practices are to be carried out in meeting the goal. The county committee may specify for any farm in the county the practices for which, if carried out according to specifications, credit will be given toward meeting the farm goal. Practices to be included in the goal shall be those most needed to conserve and improve soil fertility and to prevent erosion and should not be routine farming practices.

**D. Payments.** The maximum payment which is available as assistance for carrying out soil-building practices is the sum of the following, except that if the sum of the maximum payments computed for any farm with respect to acreage allotments and under items (1) to (3), inclusive, of this subsection is less than \$20, the maximum payments available as soil-building assistance shall be increased by the amount of the difference:

(1) **70 cents** per acre of cropland in excess of the sum of (a) the allotments for special crops (other than commercial vegetables) for which payments are computed, and (b) the acreage of sugarcane for sugar grown on the farm in 1940;

(2) **\$1.50** per acre of commercial orchards and perennial vegetables on the farm on January 1, 1940;



(3) **25 cents** per acre of fenced non-crop open pasture land in excess of one-half of the number of acres of cropland which is capable of maintaining during the normal pasture season at least one animal unit for each 5 acres of such pasture land;

(4) **\$1.50** for each unit earned by planting forest trees in accordance with practice 15 or 16, not to exceed **\$30**.

For each unit by which the soil-building goal is not reached, **\$1.50** will be deducted from the maximum soil-building assistance.

**E. Soil-Building Practices.** The soil-building practices listed below, if included in the county soil-building goal and if not disapproved by the county committee for the particular farm, shall count toward reaching the soil-building goal, to the extent indicated, when they are carried out during January 1, 1940 to December 31, 1940, inclusive, in accordance with specifications shown following each practice.

In cases where practices are carried out wholly or in part (the part representing one-half or more) with labor, seed, trees, or materials furnished by any State or Federal agency other than the AAA, such practices shall not be counted toward reaching the goal. If the part of the factors so furnished represents less than one-half, one-half of such practices shall be counted, except that when such factors are furnished to a State, a political subdivision of a State, or an agency thereof by an agency of the same State, they shall not be considered to have been furnished by a State agency.

#### Application of Materials

1. Application of the following materials to, or in connection with the seeding of, perennial or biennial legumes, perennial grasses, winter legumes, lespedeza, crotalaria, Natal grass, annual ryegrass, or permanent pasture, which are not seeded or grown with a soil-depleting crop—**One unit (\$1.50)**.

**SPECIFICATIONS:** (a) 300 pounds of 16 percent superphosphate or its equivalent.

(b) 500 pounds of basic slag.

(c) 600 pounds of raw rock or colloidal phosphate containing not less than 28 percent of total phosphorous pentoxide ( $P_2O_5$ ) and ground fine enough for 85 percent to pass through a 200-mesh sieve.

(d) 750 pounds of raw rock or colloidal phosphate containing not less than 18 percent of total phosphorous pentoxide ( $P_2O_5$ ) and ground fine enough for 80 percent of the raw rock phosphate to pass through a 100-mesh sieve, and for the colloidal phosphate to shake through a 6-mesh sieve and 85 percent of it to wash through a 325-mesh sieve.

(e) These materials must be applied at or prior to the time of seeding, except in the case of crotalaria or Natal grass in orchards and perennials, and must be distributed evenly over the area to which they are applied.

(f) Practice 1 is not to be used on pastures oftener than once every third year. The maximum rate of application shall not exceed 3 units per acre.

2. Application of 1,000 pounds of ground limestone or its equivalent—**One unit (\$1.50)**.

**SPECIFICATIONS:** The limestone must be 90 percent or more calcium or magnesium carbonate equivalent; if limestone of lower grade than this is used, it must be applied in amounts sufficient to supply calcium or magnesium carbonate equivalent to the above. The materials listed below are equivalent to one ton of ground limestone:

- 1,000 pounds of burned limestone
- 1,400 pounds of hydrated lime
- 2,000 pounds of ground oyster or coquina shells
- 2,750 pounds of limestone screenings
- 3,000 pounds of limestone from Braden quarries

The above material must be of sufficient fineness so that 100 percent will pass through a 10-mesh sieve and 50 percent through a 100-mesh sieve.

3. Application of not less than 2 tons, air-dry weight, of straw or equivalent mulching materials (excluding barnyard and stable manure) per acre in orchards or on commercial vegetable land—**One unit (\$1.50) an acre.**

SPECIFICATIONS: Equivalent mulching materials are:

- 1½ tons crotalaria or other hay-dry legumes
- 2 tons air-dry muck
- 2 tons leaves (pine needles excluded)
- 8 tons hyacinths (green basis)

Producers who expect to use this practice shall notify the county committee prior to the carrying out of this practice and shall substantiate work done by such supporting data as are required by the county committee.

#### Seedings

4. Establishing a permanent vegetative cover by planting crowns of kudzu—**Four units (\$6) an acre.**

SPECIFICATIONS: At least 500 crowns per acre must be planted on well-prepared land. There must be a survival of 300 crowns.

5. Seeding winter legumes—**One unit (\$1.50) an acre.**

SPECIFICATIONS: The seedings must be at not less than the following rates per acre:

- Austrian winter peas—30 pounds broadcast or 20 pounds in rows
- Vetch—20 pounds broadcast or 15 pounds in rows
- Blue lupine—40 pounds

Unless a previous successful crop of the particular winter legume has been grown on the land, such legume must be inoculated. In fields where there is a known deficiency of lime, lime must be applied.

6. Seeding lespedeza—**Two thirds unit (\$1) an acre.**

SPECIFICATIONS: Lespedeza must be seeded at not less than 20 pounds per acre.

7. Seeding annual ryegrass—**One-half unit (75 cents) an acre.**

SPECIFICATIONS: Annual ryegrass must be seeded at not less than 25 pounds per acre.

#### Pasture

8. Establishing a permanent vegetative cover by planting sod pieces of perennial grasses—**Three units (\$4.50) an acre.**

SPECIFICATIONS: Plantings of Para, Carib, centipede, Bermuda, carpet, and Bahia grass will qualify. A good seedbed must be prepared. Sod pieces of canes or rooted runners must be planted at an average spacing of not more than 2½ feet. Where adapted, 5 pounds of lespedeza shall also be sown in addition to sodding.

9. Seeding permanent pasture mixtures containing a full seeding of Dallis, Bermuda, carpet, or Bahia grass—**Two units (\$3) an acre.**



**SPECIFICATIONS:** (a) Preparation of non-cropland to be seeded to permanent pasture. The acreage which is to be established in pasture by the use of grass seed shall have the native wire grass, palmetto, or other vegetation removed or destroyed and all the top soil stirred by double harrowing or its equivalent to prepare a seedbed. The seedbed for grass seed shall be firm and shallow, rather than deep and soft.

(b) Rate of seeding per acre:

(1) **Grasses seeded alone:** At least 7 pounds of seed per acre of Bermuda or Bahia grass and 10 pounds of carpet or Dallis.

(2) **Seeding of mixtures:**

(a) At least 5 pounds per acre of carpet grass seed plus at least 5 pounds per acre of either Dallis or Bahia or a mixture of Dallis and Bahia.

(b) At least 7 pounds of carpet grass seed plus at least 5 pounds of lespedeza.

(c) Any other mixtures of the above at equivalent rates of seeding per acre.

(c) All preparation and seeding to be done in a workmanlike manner and in accordance with good farming practice. Producers must supply sales receipts for the quantity and kind of grass seed purchased.

# 10. Reseeding depleted pastures with good seed of adapted pasture grasses or legumes—**10 pounds of seed, one unit (\$1.50).**

**SPECIFICATIONS:** The following grasses and legumes seeded alone or in mixtures shall be used:

Carpet grass, Dallis grass, Bahia grass, and White Dutch clover.

For mixtures of certain of the above grasses or legumes, those approved under practice 9 shall be used for the particular soil type. Land to be reseeded shall have a properly prepared seedbed.

Producers shall supply sales receipts for the kind and quantity of grass and legume seeds used, and such receipts shall be required to support the performance records.

# 11. Contour ridging of non-crop open pasture land—**1,000 linear feet of ridge, one unit (\$1.50).**

**SPECIFICATIONS:** This practice shall apply only to the area lying west of the Suwannee River. The ridges shall not be less than 3 feet wide at the base and 1 foot high, with a settled height of 8 to 10 inches. The interval between contour ridges shall not exceed one-third the terrace interval listed under practice 12.

## Erosion Control

# 12. Construction of standard terraces for which proper outlets are provided—**200 linear feet of terrace, one unit (\$1.50).**

**SPECIFICATIONS:** (a) Terraces must be constructed on variable grades as follows:

Length of terrace (feet)	Maximum fall per 100 feet	Length of terrace (feet)	Maximum fall per 100 feet
	<i>Inches</i>		<i>Inches</i>
0 to 100.....	0	600 to 700.....	3
100 to 200.....	½	700 to 800.....	3½
200 to 300.....	1	800 to 900.....	4
300 to 400.....	1½	900 to 1,000.....	4½
400 to 500.....	2	1,000 to 1,700.....	5
500 to 600.....	2½		

A maximum length of 1,700 feet may be allowed for draining in one direction.

(b) Vertical spacing between terraces shall not exceed the spacing shown in the following table:

Slope of land in feet per 100 feet	Vertical distance or the drop between terraces	Horizontal distances between terraces	Slope of land in feet per 100 feet	Vertical distance or the drop between terraces	Horizontal distances between terraces
1 foot-----	2.50 feet----	180 feet.	7 feet-----	4.00 feet----	57 feet.
2 feet-----	2.75 feet----	140 feet.	8 feet-----	4.25 feet----	53 feet.
3 feet-----	3.00 feet----	100 feet.	9 feet-----	4.50 feet----	50 feet.
4 feet-----	3.25 feet----	80 feet.	10 feet-----	4.75 feet----	48 feet.
5 feet-----	3.50 feet----	75 feet.	12½ feet----	5.25 feet----	42 feet.
6 feet-----	3.75 feet----	63 feet.	15 feet-----	6.25 feet----	42 feet.

(c) **Size of terraces:** Cross sections of terraces must have a width of bank and ditch of at least 15 to 20 feet and a height of terrace crest above ditch bottom of 20 to 24 inches when new, a settled height of 15 to 18 inches being anticipated.

(d) Proper terrace outlets must be constructed. Terrace systems should be so planned that the terraces may outlet individually upon well-sodded pastures or meadows, or into well-protected wooded areas. If conditions are unfavorable for this method, a meadow or pasture strip should be developed for outlet control. Where the above conditions are not possible or practical, a sodded channel must be established. The outlet ends of all terrace channels shall be protected by the use of adapted vegetative strips, rocks, or other suitable impediments.

#### Green Manure and Cover Crops

13. (a) Green manure and cover crops of summer-growing non-legumes, except in orchards or on commercial vegetable or potato land—**One-half unit (75 cents) an acre.**

(b) Other green manure and cover crops (including summer-growing non-legumes in orchards or on commercial vegetable or potato land)—**One unit (\$1.50) an acre.**

**SPECIFICATIONS:** Credit will **not** be given for lespedeza, peanuts hogged off, soybeans from which the seed is harvested by mechanical means, or any crop for which credit is given in 1940 under any other practice. A summer-growing crop turned under on land subject to erosion must be followed by a winter cover crop. A good stand and good growth must be obtained and left on the land or turned under. A good growth means a growth which, if harvested for hay, would make approximately  $\frac{2}{3}$  ton per acre of air-dry legumes and winter-growing non-legumes, and approximately 1½ tons per acre of air-dry summer-growing non-legumes.

14. Cowpeas, velvetbeans, crotalaria, or soybeans, interplanted or grown in combination with soil-depleting crops—**Four acres, one unit (\$1.50).**

**SPECIFICATIONS:** A good stand and good growth must be obtained and the vines not harvested, or in the case of soybeans the seed removed by mechanical means. A good growth means approximately one-half ton per acre of air-dry material (10 pounds green weight for an average plot of 100 square feet).

#### Forestry

15. Planting pine trees on cropland or farm woodlots (Farm woodlots shall in no event exceed the cropland in the farm)—**Five units (\$7.50) an acre.**

**SPECIFICATIONS:** The minimum rate of planting to qualify under this practice shall be 650 trees per acre. The planting shall be protected from fire, from grazing by hogs, goats, and other livestock which will destroy the seedlings. The



plantings shall be cared for in accordance with good tree-culture practice. The survival or stand of living trees shall not be less than 65 percent to qualify.

Trees purchased from a Clark-McNary Cooperative State Nursery shall not be deemed to be paid for in whole or in part by a State or Federal agency and may qualify under this practice.

**16. Planting pine trees on fenced non-crop open pasture land not considered a farm woodlot—Two units (\$3) an acre.**

**SPECIFICATIONS:** (a) The producer shall furnish a full legal description of his property to accompany his worksheet.

(b) The producer shall furnish prior to any planting at his expense aerial or other maps satisfactory to the county committee of the area to be planted. A map shall also be furnished of any interior holdings (giving legal description of any such area) within the fenced area that is not owned by the producer.

(c) All planting must be done in solid blocks as nearly as possible in the mapped area. On irregularly shaped plantings only that acreage which is in even blocks will qualify and irregular portions will be disregarded. Irregular blocks of less than 4 acres may be disapproved.

(d) A minimum planting of 650 trees per acre is required with a minimum survival of 65 percent.

(e) All planted areas must be protected from damage by sheep and goats.

(f) The planted area must be protected from fire and all areas not under organized cooperative fire control with the Florida Board of Forestry must meet the following minimum requirements:

(1) Areas comprising less than 40 acres shall be surrounded by a plowed firebreak 8 feet wide and the area divided into approximately 10-acre blocks by a plowed firebreak 8 feet wide.

(2) Areas comprising 40 acres or more shall be surrounded with a plowed firebreak 16 feet wide and each 40 acres within such area shall be surrounded by a plowed firebreak 16 feet wide. In addition, the area within each 40-acre block shall be divided into 4 blocks of approximately 10 acres with a plowed firebreak 8 feet wide.

(3) Clean plowed firebreaks of specified width exposing the mineral subsoil are required. The fire lines shall be as straight as practicable but may deviate because of unusual ground conditions.

(g) All planting and firebreak plowing shall be done in a workmanlike manner and according to good forestry methods.

(h) Trees purchased from a Clark-McNary Cooperative State Nursery shall not be deemed to be paid for in whole or in part by a State or Federal agency and may qualify under this practice.

**17. Cultivating, protecting, and maintaining, by replanting, if necessary, a good stand of forest trees, planted between January 1, 1937 and January 1, 1940—Two units (\$3) an acre.**

**SPECIFICATIONS:** (a) Trees, except pines, must be cultivated twice between May and August.

(b) A stand composed of **not less** than 500 pines per acre must be maintained by replanting, if necessary, with seedlings of the same species between January 1 and March 1.

(c) The trees must be protected adequately to prevent damage by fire. Firebreaks must be constructed by plowing on sides adjacent to woodlands or fields having a fire hazard.

(d) This practice shall apply only on cropland or farm woodlots. (Farm woodlots shall in no event exceed the cropland in the farm.)

#### Miscellaneous

**18. Growing of a home garden for a landlord, tenant, or sharecropper family on a farm—One unit (\$1.50) a garden.**

**SPECIFICATIONS:** The home garden shall be a plot of land not less than one-tenth (.1) acre and not more than 1 acre per farm family. Such a plot to be set aside for the entire year as a garden and adequately protected from livestock and poultry. The garden must be devoted during the year to a variety of food crops for home consumption only and shall contain not less than 7 different

kinds of vegetables. The garden must be cared for in a workmanlike manner and according to good farm practice. Sweetpotatoes and roasting ear corn from the fields will not count as one of the seven varieties of vegetables required to meet the above.

### Section 8. SOIL-DEPLETING ACREAGE

(a) **Soil-Depleting Acreage** means the acreage of land devoted during the 1940 crop year to one or more of the following crops. Land from which a volunteer crop is harvested shall be classified as if the crop were planted.

(1) Corn planted for any purpose, except roasting ear corn or popcorn grown in home gardens for use on the farm.

(2) Tobacco harvested for any purpose.<sup>1</sup>

(3) Cotton which reaches the stage of growth at which bolls are first formed.

(4) Sugarcane grown for any purpose.

(5) Rice planted for any purpose.

(6) Peanuts harvested for nuts or dug for hay.

(7) Annual truck and vegetable crops planted for any purpose, except when grown in home gardens for use on the farm.

(8) Potatoes planted for any purpose, except when grown in home gardens for use on the farm.

(9) Peas planted for canning or freezing, except when used as green manure or grown in home gardens for use on the farm.

(10) Small grains:

(a) Wheat, oats, barley, rye, or mixtures of these crops, harvested for grain.

(b) Wheat, oats, barley, rye, or mixtures of these crops, harvested for hay, except when (i) lespedeza or sweetclover is seeded in a workmanlike manner before the small grain is cut and the small grain is cut not later than the early milk stage or (ii) grown in a mixture containing at least 25 per cent by weight of vetch or Austrian winter peas.

(11) Sudan grass or millet harvested for grain or seed.

(12) Sweet sorghums harvested for any purpose. A summer legume and sweet sorghum mixture harvested for hay will not be considered as sweet sorghums, provided less than one-half of the harvested mixture is composed of sweet sorghums.

(13) Commercial bulbs and flowers harvested for any purpose.

(b) If one soil-depleting crop is followed by another soil-depleting crop on the same land, such land shall count only once in determining whether or not the total soil-depleting acreage allotment for the farm has been exceeded. It is necessary to take into consideration the meaning of "acreage planted to wheat" and "acreage planted to cotton" in determining the soil-depleting classification of the land. For

<sup>1</sup> Each acre of Georgia-Florida Type 62 tobacco shall be classified as eight-tenths ( $\frac{8}{10}$ ) of an acre of soil depleting if—

(a) An average of at least four top leaves is left on each stalk on all of the acreage of Type 62 tobacco grown on the farm in 1940 and all such stalks are cut within 7 days after harvesting of the other leaves is completed and either left on the land for the remainder of 1940 or plowed under, and

(b) A cover crop of sorghum, cowpeas, velvetbeans, or crotalaria, or any mixture of these, is seeded in 1940 on all land planted to Type 62 tobacco and a reasonably good stand and good growth of such cover crop is attained and is plowed under or disked in before December 31, 1940, after it has attained at least 3 months' growth, provided such cover crop shall not be counted toward meeting the soil-building goal regardless of how used.



example, if a given acreage is considered as planted to wheat in accordance with the definition of "acreage planted to wheat," such acreage shall be considered as having been planted to wheat as well as being soil depleting. If the wheat then fails and cotton is seeded on the same land and reaches the bolling stage, the land shall be considered as having been planted to cotton as well as to wheat but shall be counted as soil depleting only once in determining whether or not the total soil-depleting acreage allotment for the farm has been exceeded. In the above example, if, after reaching the bolling stage, the cotton fails and the same land is planted to a late general soil-depleting crop, such as sweet sorghums, the classification of the land shall remain the same as above; that is, all of the land shall be classified as planted to wheat, all of it as planted to cotton, and all of it as soil depleting.

(c) If more than one soil-depleting crop occupies the land at the same time, the land shall be classified in accordance with the actual acreage occupied by each crop except that:

(1) If a soil-depleting crop (other than commercial vegetables) is grown in alternate rows or strips, or both, with cotton and the rows or strips of cotton are less than 7 feet apart, cotton shall be considered to occupy all of the land; provided, that if cotton and peanuts in counties designated in section 3 E as commercial peanut counties are the crops and the peanuts are harvested for nuts, cotton shall be considered to occupy all of the land, and in addition, each row of peanuts shall be considered to occupy a strip of land 2 feet in width;

(2) If commercial vegetables (or potatoes) and sugarcane or commercial vegetables (or potatoes) and another crop for which a special acreage allotment is established are grown on the same acreage, all of the land shall be considered as planted to sugarcane or the crop other than commercial vegetables (or potatoes) for which the special acreage allotment is established, and in addition, all of the land shall be considered as planted to commercial vegetables (or potatoes) if the commercial vegetables (or potatoes) are planted in rows of less than twice the normal width for planting the crop alone. If the commercial vegetables (or potatoes) are planted in rows at least twice the normal width for planting the crop alone, only half the land shall be considered as planted to commercial vegetables (or potatoes).

(d) Truck crops and vegetables that are entirely consumed on the farm are considered as having been produced in home gardens for use on the farm, and the acreage devoted to such crops is not classified as soil depleting. The entire acreage devoted to any truck crop or vegetable, a part of which is used for commercial purposes, is considered as soil depleting.

(e) If a soil-depleting crop is interplanted with, grown in combination with, or followed by, a crop not classified as soil depleting, the entire acreage of land shall be classified as soil depleting; *Except*, That where strips of soil-depleting crops, alternating with strips of legumes or other crops not classified as soil depleting are 3 rows (10 feet) or more apart, the acreage occupied thereby is classified in accordance with the actual acreage occupied by such crops (the strips

or rows not classified as soil depleting being measured from a point  $1\frac{3}{4}$  feet from the outside of the strip of soil-depleting crop); provided, that if peanuts (whether or not soil depleting) are grown in alternate rows or strips, or both, with cotton and the rows or strips of cotton are 7 feet or more apart, the land shall be classified in accordance with the actual acreage occupied by each crop.

### Section 9. DIVISION OF PAYMENTS AND DEDUCTIONS

**A. Payments and Deductions for Acreage Allotments.** (1) The net payment or net deduction computed for any farm for special and general crops shall be divided among the landlords, tenants, and sharecroppers in the same proportion (as indicated by their acreage shares) that such persons are entitled, as of the time of harvest, to share in the proceeds (other than a fixed commodity payment) of such crop grown on the farm in 1940 with the following exceptions:

(i) **Crop Failure, etc.** If any such crop is not grown on the farm in 1940 or the acreage of such crop is substantially reduced by flood, hail, drought, insects, or plant-bed diseases, the net payment or net deduction computed for such crop shall be divided among the landlords, tenants, and sharecroppers in the proportion that the county committee determines that such persons would have been entitled to share in the proceeds of such crop if the entire acreage in the allotment for such crop had been planted and harvested in 1940.

(ii) **Underplanting cotton.** If for any reason the total acreage of cotton on the farm in 1940 is less than 80 percent of the cotton allotment and the acreage of cotton which is or would have been grown thereon by any tenant or sharecropper in 1940 is not substantially proportionate to the acreage of cotton which such tenant or sharecropper would normally grow thereon, and all the persons who are or would have been entitled to receive a share of the proceeds of cotton agree, as shown by their signatures on the application for payment or a separate statement, the net payment or net deduction computed for cotton for the farm shall be divided among the landlords, tenants, and sharecroppers in the proportion that the county committee determines such persons would have been entitled to share in the proceeds of the cotton crop if the entire acreage in the cotton allotment had been planted and harvested in 1940, but in no event shall the acreage share so determined for any person be less than such person's acreage share of the acreage planted to cotton on the farm in 1940.

(2) The deduction for excess total soil-depleting crops shall be made pro rata from the payments computed for special crop acreage allotments.

**B. Soil-Building Practice Payments.** The payment for carrying out soil-building practices on the farm shall be made to the landlord, tenant, or sharecropper who carried out the practices. If the county committee determines that more than one such person contributed to the carrying out of soil-building practices in 1940, the payment shall be divided in the proportion that the units contributed by each such person bear to the total units contributed by all such persons. All persons contributing to practices carried out on a particular acreage shall be deemed to have contributed equally, unless such persons prove to the county committee that their contributions were not in equal proportion, in which event such units shall be divided in the proportion which the county committee determines each such person contributed thereto. **The furnishing of the land on which a practice is carried out will in no case be considered as a contribution to the carrying out of such practice.**

**C. Proration of Net Deductions.** If a net payment is computed for a farm as a whole, but a net deduction is computed for one or



more of the persons interested therein, such net deductions shall be prorated among the persons for whom a net payment is computed in the proportion that the net payment for each such person bears to the sum of all such net payments. If a net deduction is computed for any farm as a whole, no payment will be made with respect to such farm and the amount of such net deduction shall be prorated among the persons on the farm in the proportion that the net deduction computed for any person bears to the sum of the net deductions computed for all persons on the farm.

#### Section 10. GENERAL PROVISIONS RELATING TO PAYMENTS AND DEDUCTIONS

**A. Increase in Small Payments.** The total payment computed under sections 1 to 9, inclusive, for any person on any farm shall be increased as follows:

- (1) Any payment amounting to 71 cents or less shall be increased to \$1.
- (2) Any payment amounting to more than 71 cents but less than \$1 shall be increased by 40 percent.
- (3) Any payment amounting to \$1 or more shall be increased in accordance with the following schedule:

Amount of payment computed	Increase in payment	Amount of payment computed	Increase in payment
\$1.00 to \$1.99-----	\$0. 40	\$32.00 to \$32.99-----	\$10. 40
\$2.00 to \$2.99-----	. 80	\$33.00 to \$33.99-----	10. 60
\$3.00 to \$3.99-----	1. 20	\$34.00 to \$34.99-----	10. 80
\$4.00 to \$4.99-----	1. 60	\$35.00 to \$35.99-----	11. 00
\$5.00 to \$5.99-----	2. 00	\$36.00 to \$36.99-----	11. 20
\$6.00 to \$6.99-----	2. 40	\$37.00 to \$37.99-----	11. 40
\$7.00 to \$7.99-----	2. 80	\$38.00 to \$38.99-----	11. 60
\$8.00 to \$8.99-----	3. 20	\$39.00 to \$39.99-----	11. 80
\$9.00 to \$9.99-----	3. 60	\$40.00 to \$40.99-----	12. 00
\$10.00 to \$10.99-----	4. 00	\$41.00 to \$41.99-----	12. 10
\$11.00 to \$11.99-----	4. 40	\$42.00 to \$42.99-----	12. 20
\$12.00 to \$12.99-----	4. 80	\$43.00 to \$43.99-----	12. 30
\$13.00 to \$13.99-----	5. 20	\$44.00 to \$44.99-----	12. 40
\$14.00 to \$14.99-----	5. 60	\$45.00 to \$45.99-----	12. 50
\$15.00 to \$15.99-----	6. 00	\$46.00 to \$46.99-----	12. 60
\$16.00 to \$16.99-----	6. 40	\$47.00 to \$47.99-----	12. 70
\$17.00 to \$17.99-----	6. 80	\$48.00 to \$48.99-----	12. 80
\$18.00 to \$18.99-----	7. 20	\$49.00 to \$49.99-----	12. 90
\$19.00 to \$19.99-----	7. 60	\$50.00 to \$50.99-----	13. 00
\$20.00 to \$20.99-----	8. 00	\$51.00 to \$51.99-----	13. 10
\$21.00 to \$21.99-----	8. 20	\$52.00 to \$52.99-----	13. 20
\$22.00 to \$22.99-----	8. 40	\$53.00 to \$53.99-----	13. 30
\$23.00 to \$23.99-----	8. 60	\$54.00 to \$54.99-----	13. 40
\$24.00 to \$24.99-----	8. 80	\$55.00 to \$55.99-----	13. 50
\$25.00 to \$25.99-----	9. 00	\$56.00 to \$56.99-----	13. 60
\$26.00 to \$26.99-----	9. 20	\$57.00 to \$57.99-----	13. 70
\$27.00 to \$27.99-----	9. 40	\$58.00 to \$58.99-----	13. 80
\$28.00 to \$28.99-----	9. 60	\$59.00 to \$59.99-----	13. 90
\$29.00 to \$29.99-----	9. 80	\$60.00 to \$185.99-----	14. 00
\$30.00 to \$30.99-----	10. 00	\$186.00 to \$199.99-----	(1)
\$31.00 to \$31.99-----	10. 20	\$200.00 and over-----	(2)

<sup>1</sup> Increase to \$200.00.

<sup>2</sup> No increase.

**B. Payments Limited to \$10,000.** The total of all payments made in connection with programs for 1940 under section 8 of the Soil Conservation and Domestic Allotment Act to any individual, partnership, or estate, with respect to farms and turpentine places located in Florida, shall not exceed the sum of \$10,000, prior to deduction for association expenses in the county or counties with respect to which the particular payment is made. The total of all payments made in connection with such programs to any person other than an individual, partnership, or estate, with respect to farms, ranching units, and turpentine places in the United States (including Alaska, Hawaii, and Puerto Rico), shall not exceed the sum of \$10,000, prior to deduction for association expenses in the county or counties with respect to which the particular payment is made.

All or any part of any payment which has been or otherwise would be made to any person under the 1940 program may be withheld or required to be returned if he has adopted or participated in adopting any scheme or device, including the dissolution, reorganization, revival, formation, or use of any corporation, partnership, estate, trust, or any other means, which was designed to evade, or would have the effect of evading, the provisions of this section.

**C. Deductions Incurred on Other Farms.** (1) The net deduction computed for any landlord or tenant under sections 1 to 7, inclusive, shall be deducted from the share of the payment which would otherwise be made to him for performance on any other farms in the county.

(2) The net deduction computed for a landlord or tenant in a county shall be deducted from the payment computed for such person for performance on any other farms in the State, if the State committee finds that the crops grown and practices adopted on the farm for which such net deduction is computed substantially offset the contribution to the program made on such other farms.

**D. Deduction for Association Expenses.** There shall be deducted from the payments for any farm the pro rata share that the Secretary may prescribe of the estimated administrative expenses incurred or to be incurred by the county agricultural conservation association in the county in which the farm is located.

**E. Payment Restricted to Effectuation of the Purposes of the Program.** (1) All or any part of any payment which otherwise would be made to any person under the 1940 program may be withheld or required to be returned if (a) the county committee finds that he has used or has permitted, procured, or consented to the use of a marketing card contrary to the marketing quota regulations in effect for the 1939-40 marketing year, if erroneous yields result; (b) he has adopted any other practice which the Secretary determines tends to defeat any of the purposes of the 1940 or previous agricultural conservation programs; (c) by means of any corporation, partnership, estate, trust, or any other device, or in any manner whatsoever, he has offset, or has participated in offsetting, in whole or in part, the performance for which such payment is otherwise authorized; or (d) on forest land or woodland owned or controlled by him, he has



adopted any practice which the Director of the Southern Division finds is contrary to sound conservation practices.

(2) No payments, except those for carrying out soil-building practices shall be computed for any farm which is not operated in 1940.

**F. Payment Computed and Made Without Regard to Claims.**

Any payment or share of payment shall be computed and made without regard to questions of title under State law, without deduction of claims for advances (except as provided in subsection H of this section and indebtedness to the United States subject to set-off orders issued by the Secretary) and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

**G. Changes in Leasing and Cropping Agreements, Reduction in Number of Tenants, and Other Devices.** If on any farm in 1940 any change of the arrangements which existed on the farm in 1939 is made between the landlord or operator and the tenants or sharecroppers that would cause a greater proportion of the payments to be made to the landlord or operator under the 1940 program than would have been made to him under the 1939 program, payments to the landlord or operator under the 1940 program shall not be greater than the amount that would have been paid to him if the arrangements had not been changed, if the county committee certifies that the change is not justified and disapproves the change.

If on any farm the number of sharecroppers or share tenants in 1940 is less than the average number on the farm during the years 1937 to 1939, inclusive, and such reduction would increase the payments that would otherwise be made to the landlord or operator, such payments shall not be greater than the amount that would otherwise be paid to him if the county committee certifies that the reduction is not justified and disapproves the reduction.

If the State committee finds that any person who files an application for payment under the 1940 program has employed any other scheme or device (including coercion, fraud, or misrepresentation), the effect of which would be or has been to deprive any other person of any payment under any agricultural conservation program to which such other person would normally be entitled, the Secretary may withhold in whole or in part from the person participating in or employing such a scheme or device, or require such person to refund in whole or in part, the amount of any payment which has been or would otherwise be made to such person under the 1940 program.

**H. Assignments.** Any person who may be entitled to any payment in connection with the 1940 program may assign his interest in such payment as security for cash loaned or advances made for the purpose of financing the making of a crop in 1940. No assignment will be recognized unless it is made in writing on Form ACP-69, in accordance with instructions (ACP-70) issued by the AAA, and unless the assignment has priority as determined under instructions issued by the AAA.

Nothing contained in this section shall be construed to give an assignee (the person to whom the assignment is made) a right to any payment other than that to which the assignor (the farmer making the assignment) is entitled. Neither the Secretary nor any disburs-

ing agent shall be subject to any suit or liability, if payment is made to the farmer without regard to the existence of an assignment.

**I. Excess Cotton Acreage.** Any person who makes application for payment with respect to any farm located in a county in which cotton is planted in 1940 shall file with such application a statement that he has not knowingly planted, or caused or permitted the planting of, cotton during 1940 on land in any farm in which he has an interest in excess of the cotton allotment for the farm for 1940, and that cotton was not planted in excess of such allotment by his authority or with his consent. Any person who knowingly plants, or causes or permits the planting of, cotton on his farm in 1940 on acreage in excess of the cotton allotment for the farm for 1940 shall not be eligible for any payment on that farm or any other farm under the 1940 program.

(1) In cases where the planting (seeding) of cotton on the farm was completed after notice of the cotton allotment was mailed to the operator, and the acreage planted to cotton on the farm exceeds the cotton allotment established for the farm, all producers entitled to share in the cotton crop, or its proceeds, will be considered to have knowingly overplanted the cotton allotment; provided, that any producer will not be considered to have knowingly overplanted the cotton allotment if—

(a) he proves that the excess acreage was planted because of a bona fide mistake as to the number of acres in the tract(s) planted to cotton; or

(b) he did not participate in the planting of the cotton (either by his own labor or by labor procured by him for that purpose), and proves that the excess acreage was planted without his knowledge and consent, or, if planted with his knowledge but without his consent, that he made every reasonable effort to prevent the planting of cotton in excess of the cotton allotment for the farm.

A notice of the cotton allotment mailed to the operator of the farm shall be deemed to be notice to all persons sharing in the production of cotton on the farm in 1940.

(2) In any case where the planting of cotton on the farm was completed prior to the mailing of notice of the cotton allotment for the farm, the county committee shall determine that the farm was knowingly overplanted if it finds that:

(a) The number of acres planted to cotton on the farm exceeded the number of acres which the producer might reasonably have expected to be allotted to the farm, or

(b) where, through an error or an oversight, no notice was mailed, but the fact that cotton allotments had been determined was known to the producer and, without making a reasonable effort to ascertain the amount of the allotment for his farm, he planted a number of acres which exceeded the allotment for his farm.

Whenever, as provided above in this paragraph (2), the county committee determines that the overplanting was knowingly done, all producers entitled to share in the cotton crop, or its proceeds, will



be considered to have knowingly overplanted the cotton allotment; provided, that any producer will not be considered to have knowingly overplanted the cotton allotment, if he did not participate in the planting of cotton (either by his own labor or by labor procured by him for that purpose), and proves that the excess acreage was planted without his knowledge and consent, or, if planted with his knowledge but without his consent, that he made every reasonable effort to prevent the planting of cotton in excess of the cotton allotment for the farm.

**J. Materials Furnished to Carry Out Soil-Building Practices.**

If it is found practicable, limestone, superphosphate, trees, seeds, and other materials, upon request of the producer, may be furnished by the AAA to be used in carrying out approved soil-building practices which shall be counted toward meeting the soil-building goal for the farm. If such materials are furnished, a deduction from the payment for the farm shall be made in the amount of the approximate average cost of such materials to the AAA in any county, State, or other area. Such deduction shall be applied first to the payment computed for the person to whom such materials are furnished, and any balance of such deduction shall be prorated among the payments to other persons sharing in the payment for the farm on which such materials were used.

The producer to whom materials are furnished shall agree that if the amount of the deduction for the materials exceeds the amount of the payment for the farm, the amount of such difference shall be repaid by him to the Secretary. The producer shall also agree that if the materials are used in a manner which is not in accord with the purpose for which such materials are furnished, the deduction for the materials misused shall be twice the regular rate of deduction in order to compensate the government for damages because of such misuse, and he agrees also that any finding made in this connection by the county committee shall be final when approved by the State committee, subject to the right of appeal.

**Section 11. APPLICATION FOR PAYMENT**

**A. Persons Eligible to File Applications.** An application for payment for a farm may be made by any person who, under the provisions of section 9, shares in the payment which may be computed for any farm and (1) who at the time of harvest is entitled under a lease or operating agreement to share in the crops grown on the farm or (2) who is owner or operator of such farm and participates thereon in 1940 in carrying out approved soil-building practices.

**B. Time and Manner of Filing Application and Information Required.** Payment will be made only upon application submitted through the county office on or before March 31, 1941. The Secretary reserves the right (1) to withhold payment from any person who fails to file any form or furnish any information required on any farm which such person is operating or renting to another person for a share of the crops grown thereon, and (2) to refuse to accept any application for payment, if such application or any other form or information required is not submitted to the county office within the time fixed by the Director of the Southern Division. At least two weeks' notice to the public shall be given of the expiration of a

time limit for filing prescribed forms. Such notice shall be given by mailing the same to the office of each county committee and making copies of the same available to the press.

**C. Application for Other Farms.** If a person has the right to receive all or a portion of the crops, or proceeds therefrom, produced on more than one farm in a county and makes application for payment on one of such farms, such person must submit an application for all such farms which he operates or rents to other persons. Upon request of the State committee, any person shall file with the committee such information as it may request regarding any other farm in the State from which he has the right to receive all or a portion of the crops, or proceeds thereof, or rents to another for cash.

### Section 12. APPEALS

Any person may, within 15 days after notice is forwarded to or made available to him, request the county committee in writing to reconsider its recommendation or determination regarding any of the following matters respecting any farm in the operation of which he has an interest as landlord, tenant, or sharecropper: (a) Eligibility to file an application for payment; (b) any allotment or goal; (c) the division of payment; or (d) any other matter affecting the right to or the amount of his payment with respect to the farm. The county committee shall notify such person in writing of its decision within 15 days after receipt of such written request for reconsideration. If such person is not satisfied with the decision of the county committee, he may, within 15 days after such decision is forwarded to or made available to him, appeal in writing to the State committee. The State committee shall notify such person in writing of its decision within 30 days after the receipt of the appeal. If such person is not satisfied with the decision of the State committee, he may, within 15 days after such decision is forwarded to or made available to him, request the Director of the Southern Division to review the decision of the State committee.

Written notice of any decision rendered under this section by the county or State committee shall also be issued to each person known to it who, as landlord, tenant, or sharecropper having an interest in the operation of the farm, may be adversely affected by such decision. Only a person who shows that he is adversely affected by the outcome of any request for reconsideration or appeal may appeal the matter further, but any person who, as landlord, tenant, or sharecropper having an interest in the operation of the farm, would be affected by the decision to be made on any reconsideration by the county committee or subsequent appeal shall be given a full and fair hearing, if he appears when the hearing thereon is held.

### Section 13. DEFINITIONS

For the purposes of the 1940 program—

(1) **Farm** means all adjacent or nearby farm land under the same ownership which is operated by one person, including also:

(a) Any other adjacent or nearby farm land which the county committee, in accordance with instructions issued by the AAA,



determines is operated by the same person as part of the same unit with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other land; and

(b) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county or administrative area, as the case may be, in which the principal dwelling is situated, or if there is no dwelling thereon, it shall be regarded as located in the county or administrative area, as the case may be, in which the major portion of the farm is located.

(2) **Person** means any individual, partnership, association, corporation, estate, or trust, and wherever applicable, a State, a political subdivision of a State, or any agency thereof.

(3) **Landlord or owner** means a person who owns land and rents such land to another person or operates such land.

(4) **Sharecropper** means a person who works a farm in whole or in part under the general supervision of the operator and is entitled to receive for his labor a share of a crop produced thereon or of the proceeds thereof.

(5) **Tenant** means a person other than a sharecropper who rents land from another person (for cash, a fixed commodity payment, or a share of a crop produced thereon or of the proceeds thereof) and is entitled under a written or oral lease or agreement to receive all or a share of a crop produced thereon or of the proceeds thereof.

(6) **Cropland** means farm land which in 1939 was tilled or was in regular rotation.

(7) **Commercial orchards and perennial vegetables** means the acreage in planted or cultivated fruit trees, nut trees, vineyards, hops, bush fruits, or perennial vegetables on the farm on January 1, 1940 (excluding non-bearing orchards and vineyards), from which the major portion of the production is normally sold.

(8) **Non-crop open pasture land** means pasture land (other than rotation pasture land) on which the predominant growth is forage suitable for grazing and on which the number or grouping of any trees or shrubs is such that the land could not fairly be considered as woodland.

(9) **Special crop allotments or special allotments** means cotton, peanut, vegetable, potato, or tobacco acreage allotments.

(10) **General soil-depleting crops or general crops** means all crops listed in section 8 as soil depleting, except cotton, peanuts, tobacco, potatoes, and commercial vegetables for which a separate payment or deduction is computed for the farm.

(11) **Animal unit** means one cow, one horse, five sheep, five goats, two calves, two colts, or the equivalent thereof.

## Section 14. AVAILABILITY OF FUNDS

The provisions of the 1940 program are necessarily subject to any legislation which Congress may enact. Payments and grants of aid will be made only from appropriations made by Congress for this purpose, and the amounts of the payments will be limited by the amount of the appropriation, the apportionment of the appropriation under the provisions of the Soil Conservation and Domestic Allotment Act, as amended, and the extent of national participation in the program. As an adjustment for the extent of participation in the program, the rates of payment and deduction may be increased or decreased by as much as 10 percent.

Issued January 4, 1940, with the approval of the Administrator.

*J. W. Ruggan*

*Director, Southern Division.*

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